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U.S. DISTRICT COURT E.D.N.Y.

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Civil Trial Attorney

★ FEB 4 2005 ★

January 27, 2005

BROOKLYN OFFICE

VIA FACSIMILE (718-260-2457)

Hon. John Gleeson, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

*Granted
as ordered*

s/John Gleeson
1-28-05

Re: Koon Chun Hing Kee Soy & Sauce Factory, Ltd.
v. Star Mark Management, Inc. et al.
Case No.: 04-cv-2293 (JG)

1-28-05

Dear Judge Gleeson:

We represent the defendants in connection with the above-referenced matter. We write to notify the Court that for the purposes of expeditiously moving the case forward and upon careful consideration, particularly that plaintiff has made different allegations in the filed amended complaint from the proposed draft (¶ 40), we have decided not to make the Rule 12(b) motion to dismiss plaintiff's Amended Complaint. Accordingly, we respectfully request that the Court permit defendants to serve and file their amended answer by February 11, 2005, when defendants' motion is otherwise due.

By order dated January 13, 2005 of Magistrate Judge Chrein, a conference has been rescheduled for February 28, 2005, at 4:00 p.m. We believe certain discovery related issues will be addressed and resolved at the conference. Judge Chrein is also being provided with a copy of this letter. The Court's attention to this matter is greatly appreciated.

Respectfully submitted,

Bing Li

cc: Hon. A. Simon Chrein, U.S.M.J. (by regular mail)
Anthony A. Coppola, Esq. (via facsimile 212-682-6499)
Star Mark Management, Inc.
Great Mark Corporation
Mr. Jimmy Zhan